

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20496

Application 28883 of Ernest Righetti & Sons

4750 Righetti Road, San Luis Obispo, CA 93401

filed on August 22, 1986, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

West Corral de Piedra Creek

Pismo Creek thence

Pacific Ocean

2. Location of point of diversion:

CALIFORNIA COORDINATE SYSTEM, ZONE 5
NORTH 645,700 AND EAST 1,228,800

40-acre subdivision
of public land survey
or projection thereof

NW $\frac{1}{4}$ OF NE $\frac{1}{4}$

Section

Town-
ship

Range

Base
and
Meridian

9

31S

13E

MD

County of San Luis Obispo

3. Purpose of use:

4. Place of use:

Section

Town-
ship

Range

Base
and
Meridian

Acre

(SEE ADDENDUM)

The place of use is shown on map on file with the State Water Resources Control Board.

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5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 400 acre-feet per annum to be collected from December 1 of each year to May 31 of the succeeding year. (0000005)

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (000005I)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. (0000007)

8. Construction work shall be completed by December 31, 1993. (0000008)

9. Complete application of the water to the authorized use shall be made by December 31, 1994. (0000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a license is issued. (0000010)

11. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

12. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

14. Permittee shall install and maintain an outlet pipe of adequate capacity in the dam as near as practicable to the bottom of the natural stream channel in order that water entering the reservoir which is not authorized for appropriation under this permit can be released. (0050043)
15. If the construction for the enlarged dam will be of such size as to be within the jurisdiction of the Department of Water Resources as to safety, construction under this permit shall not be commenced until the Department has approved the plans and specifications for the dam. (0360048)
16. In accordance with the requirements of Water Code Section 1393, permittee shall clear the area covered by the proposed reservoir enlargement of all structures, trees, and other vegetation which would interfere with the use of the reservoir for water storage and recreational purposes. (0120050)
17. For the protection of fish and wildlife habitat, permittee shall during the period from December 1 through May 31 bypass a flow of 1.5 cubic feet per second or the natural flow, whichever is less, to the natural stream channel immediately below the dam. The natural flow is the total subsurface and surface flow in the creek immediately above the reservoir. The natural flow shall be bypassed whenever permittee demonstrates, through streamflow measurements acceptable to the Chief of the Division of Water Rights, that mean daily flow is less than 1.5 cfs. (0140060)
18. Maximum withdrawal from storage under this permit and permits 12887, 14086, and 15444 during the period from June 1 of each year to May 31 of the succeeding year shall not exceed 450 acre-feet. (0000114)
19. Permittee shall install and properly maintain in the reservoir a staff gage or similar device satisfactory to the Chief of the Division of Water Rights for the purpose of determining the volume of water in the reservoir. (0070300)
20. Permittee shall install and maintain measuring devices satisfactory to the Chief of the Division of Water Rights for the purpose of measuring total surface and subsurface inflow to the reservoir and outflow from the reservoir. (0060300)
21. Permittee shall:
- (a) measure and record weekly the rate of subsurface inflow to the reservoir,
 - (b) measure and record daily the rate of outflow through the outlet pipe from the reservoir,
 - (c) from December 1 of each year to May 31 of the succeeding year, measure and record daily the rate of surface inflow to the reservoir when the mean daily flow is less than 1.5 cubic feet per second,
 - (d) from June 1 to November 30 of each year, measure and record daily the rate of surface inflow to the reservoir.
- The permittee shall submit a written monitoring report containing the records required in this term for the preceding calendar year to the Chief of the Division of Water Rights. This monitoring report shall be submitted with the annual Progress Report of Permittee. (0100300)
22. Permittee shall allow the protestants to this application, and all successors in interest, or a designated representative, reasonable access to the reservoir for the purpose of verifying reservoir inflow and outflow measurements. Such persons shall exercise reasonable caution not to adversely affect the horticultural activities of the applicant. (0480300)
23. Beginning July 1, the permittee shall release all water stored in the preceding storage season under this permit unless the total rainfall at the Cal Poly Gage for the period of July 1 of the previous year to June 30 of the current year is greater than or equal to 26.0 inches. Releases shall be made at the rate of 2 cubic feet per second. In the event that the total rainfall is no longer measured and/or recorded at the Cal Poly Gage, the permittee shall correlate the equivalent of 26.0 inches at the Cal Poly Gage to an alternative gage acceptable to the Chief of the Division of Water Rights. Upon written approval by the Chief of the Division of Water Rights, the correlated rainfall at the alternative gage will be the standard for determining whether water is available for storage.

The State Water Resources Control Board reserves jurisdiction to modify this permit term based on the findings of the Department of Water Resources study of the hydrology of the Pismo Ground Water Basin and the Edna Valley.

(0360300)
(0000051)

24. For the protection of riparian wildlife habitat, permittee shall develop a specific written plan in cooperation with the Department of Fish and Game (DFG) for the restoration, maintenance, and enhancement of appropriate riparian wildlife habitat around the perimeter of the reservoir and in the natural stream channel below the dam on property controlled by the permittee. The plan shall receive prior approval by the DFG and shall be submitted to the Chief of the Division of Water Rights within 6 months of the date of this permit. The plan shall be fully implemented within two years following the date of approval by the Chief of the Division of Water Rights. Thereafter, no modifications of riparian wildlife habitat, stream channel, or reservoir perimeter shall be conducted without prior written approval by the DFG through the issuance of a streambed alteration agreement.

(0390300)
(0490700)

25. For the protection of downstream water quality for fishlife, permittee shall install and maintain a standpipe in the reservoir with an intake at least five feet above the base, or the equivalent, for the purpose of preventing the discharge of accumulated sediment into the stream channel through the outlet pipe.

(0400300)

26. For the protection of fish migration over the dam, permittee shall not modify the existing dam spillway until after construction plans for the modified spillway receive written approval from the Department of Fish and Game that plans contain appropriate fish passage facilities. Thereafter, such spillway modifications shall be carried out only in accordance with the construction plans approved by DFG.

(0340500)

27. No water shall be diverted under this permit until permittee has installed devices, satisfactory to the State Water Resources Control Board, which are capable of measuring the bypass flows required by the conditions of this permit. Said measuring devices shall be properly maintained.

(0060062)

28. In accordance with Section 1601, 1603, and/or Section 6100 of the Fish and Game Code, no work shall be started on the diversion works and no water shall be diverted under this permit until permittee has entered into a stream or lake alteration agreement with the California Department of Fish and Game and/or the Department has determined that measures to protect fishlife have been incorporated into the plans for construction of such diversion works. Construction, operation, and maintenance costs of any required facility are the responsibility of the permittee.

(0000063)



This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every proprietor of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: **FEBRUARY 01 1991**

STATE WATER RESOURCES CONTROL BOARD

[Signature]
Chief, Division of Water Rights